

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LANE,

Petitioner,

v.

,

Respondent.

Case No. [18-cv-07009-PJH](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 4

Petitioner, a state prisoner, filed an incomplete habeas petition and did not pay the filing fee or submit a completed application to proceed in forma pauperis ("IFP"). On two occasions he was sent a notice that he had not paid the filing fee or applied for leave to proceed IFP; and he was allowed twenty-eight days to either pay the fee or file the completed application. A copy of the court's form for applications to proceed IFP was provided with the notice, along with a return envelope. He was also informed that he must file a proper habeas petition.

The twenty-eight days has passed, and petitioner has not filed a completed application to proceed IFP, paid the filing fee, filed a proper petition or otherwise communicated with the court. This case is therefore **DISMISSED** without prejudice and the incomplete motion to proceed IFP (Docket No. 4) is **DENIED**. A certificate of appealability is **DENIED**. The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: February 12, 2019



PHYLLIS J. HAMILTON  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LANE,

Plaintiff,

v.

,

Defendant.

Case No. [18-cv-07009-PJH](#)

**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 12, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rodney A. Lane ID: BG 1303  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

Dated: February 12, 2019

Susan Y. Soong  
Clerk, United States District Court

By:   
Kelly Collins, Deputy Clerk to the  
Honorable PHYLLIS J. HAMILTON